

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Carcy *et al.*  
Serial No.: 10/563,601 (National Phase entry under 35 U.S.C. § 371 of  
PCT/EP2004/051454, filed July 12, 2004)  
Confirmation No.: 8856  
§ 371 File Date: May 4, 2006  
Group Art Unit: 1645  
Examiner: Archie, N.  
For: Babesia Vaccines  
Attorney Docket: 1-2003.005 US

December 6, 2007

**RESPONSE TO RESTRICTION REQUIREMENT**

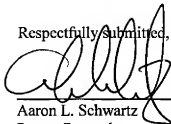
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir/Madam:

In reply to the Restriction Requirement mailed November 16, 2007, Applicants elect Group I without traverse, and the species *Babesia canis*. Although this species is not included in the Examiner's species list, it is abundantly clear from Applicants' specification that this is the species from which the sequence Bc28.I was originally derived (hence the B.c. abbreviation in the protein's name). Also the description is full of references to this as the preferred species; see for instance in the application as published by the PCT (WO 2005/012343): the figure on the front page; page 4 lines 1-3; page 5 lines 11 - 24; page 8, line 29 - page 9, line 3; page 9, lines 22-23; etc. Claims 1, 2, 4-5, 7-15 and 19-21 read on the elected invention.

Applicants do not believe that any other fee is due in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. **02-2334**. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **02-2334**.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'A. Schwartz', is written over a horizontal line.

Aaron L. Schwartz  
Patent Counsel  
PTO Reg. No. 48,181

Intervet Inc.  
Patent Department  
P.O. Box 318  
29160 Intervet Lane  
Millsboro, DE 19966  
(302) 933-4034 (tel)  
(302) 934-4305 (fax)